

EXHIBIT 1

TO THE DECLARATION OF STEPHEN CHIN IN SUPPORT
OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT OF INFRINGEMENT OF THE
CLAIMS IN U.S. 6,685,064

IN THE UNITED STATES DISTRICT COURT FOR THE
FOR THE DISTRICT OF DELAWARE

ROCEP LUSOL HOLDINGS LIMITED)

Plaintiff and Counterclaim defendant,)

v.)

PERMATEX, INC. and)
Ultramotive CORPORATION)

Defendant)

Civil Action No. -CV-05-141(KAJ)

**DEFENDANT ULTRAMOTIVE
CORPORATION'S OBJECTIONS AND
RESPONSES TO PLAINTIFF ROCEP
LUSOL'S FIRST SET OF
INTERROGATORIES NOS. 1-13 TO
DEFENDANT ULTRAMOTIVE**

Defendant Ultramotive Corporation ("Ultramotive"), hereby submits the following objections and responses to Plaintiff Defendant Rocep Lusol Holdings Limited's ("Rocep") First Set of Interrogatories Nos. 1-13 to Defendant Ultramotive:

GENERAL OBJECTIONS

The following general objections are expressly incorporated into each of the specific Responses set forth below:

1. Ultramotive objects to the definitions and instructions portion of Rocep's Interrogatories to the extent they attempt to impose a greater burden upon Ultramotive than is required under the Federal Rules of Civil Procedure and the Local Rules.

2. Ultramotive objects to each Interrogatory to the extent it seeks information in Rocep's possession or information that is publicly available or available to Rocep from its own sources.

RESPONSES

Interrogatory No.1.

State when, and under what circumstances, Ultramotive first knew, learned, or became aware of the '064 patent.

Response to Interrogatory No. 1:

Ultramotive first learned of the application that matured into the '064 patent in a letter from Graham Murnane to C. Scheindel dated August 16, 2002. Upon information and belief, Ultramotive first learned of the issued '064 patent sometime shortly prior to May 11, 2004.

Interrogatory No. 2.

Identify each lever operated dispensing pack developed, sold, offered for sale, produced or advertised by Ultramotive by name, product number, description and volume, and provide the date ranges for which each product was sold.

Response to Interrogatory No. 2:

Chris Scheindel, President of Ultramotive, ("Scheindel") has developed dispensing cans which used tilt valves in both a tilt and a vertical fashion at least as early as May, 1961, when he developed a "Press Tip Grease Gun." See, for example, the documents marked as UM 00005-00006.

Scheindel has been developing lever operated dispensing packs from June 1990 to the present. In June of 1990, Scheindel first sold dispensing cans which employed a plastic lever having an extended plastic delivery tube with a grease fitting tip. Numerous companies marketed this product under various labels until 2004, when it was discontinued. It was, broadly

speaking, a dispensing pack which employed a lever and a tilt valve in a tilt fashion. See, for example, the document marked as UM 00008.

Scheindel has also designed a plastic lever and nozzle for dispensing viscous products. Ultramotive sells this lever and nozzle to CRC Corporation for the product "Di-Electric Grease." It is a lever and nozzle designed to be used with a tilt valve in a tilt fashion. See, for example, the documents marked UM 00011 - 00012.

In 1997, Ultramotive offered to sell a metal lever designed to be used with a tilt valve for dispensing R.T.V. Silicone. It was presented to Darren Farrugia, who was at that time Product Sales Manager for Locktite Corporation. No sales resulted from this presentation. See the document marked as UM 00009.

In September, 1998, Scheindel devised a wire lever operated dispensing pack. Ultramotive demonstrated this lever operated dispensing pack to Mr. Farrugia at Locktite on October 6, 1998. No sales resulted from this demonstration. See, for example, the documents marked as UM 00001 – 00003; UM 00052; UM 00112.

Between October 6, 1998 and May 2002, Ultramotive continued to try to market this lever operated dispensing pack to the industry, but made no sales. See, for example, the documents marked as UM 00114 - 00125[].

In October 2000, Scheindel designed and Ultramotive produced a removable plastic lever and nozzle actuator for Permatex. This lever was designed to dispense Permatex "Right Stuff" R.T.V. silicone. See the document marked as UM 00010.

In May 2002, Ultramotive made a one-time sale of 3210 units of a lever operated dispensing pack to VersaChem Corporation. VersaChem marketed this product under the "Fast Gasket" R.T.V. Silicon label. See the document marked as UM 00004.

In November, 2002, Ultramotive made its first sale and shipment to Permatex of a lever operated dispensing pack. Permatex used the name "PowerBead®" for its line of products which employ this Ultramotive-designed lever operated dispensing pack. Aside from the one time sale to VersaChem, all sales of this lever operated dispensing pack have been exclusively to Permatex.

Since 2003, Ultramotive has supplied Permatex with two different forms of the PowerBead packs, each of which employs a different valve, adapted to the different viscosities of materials dispensed from the packs.

PowerBead packs for the Permatex Right Stuff® line of products employ a valve designed and manufactured by Ultramotive, which is known internally as the "Hug II Vertical Valve" ("Hug II"). The Hug II is a valve designed for use in a vertical fashion to dispense high viscosity products. Ultramotive began shipping PowerBead Right Stuff packs with Hug II valves to Permatex on or around July 11, 2003. See the document marked as UM 00046.

From November, 2002 through November, 2005, Ultramotive provided PowerBead packs to Permatex (for products other than "Right Stuff") which employ a Clayton universal valve. As of December 1, 2005, the use of a Clayton universal valve by Ultramotive was discontinued, and all PowerBead packs provided by Ultramotive employ the Ultramotive Hug II valve.

Sales of all PowerBead products by Ultramotive are shown in documents marked as UM 00057 – 00062.

Counterclaim, that Defendants have not infringed and are not now infringing the '064 patent, including, but not limited to, every factual basis for the Defendants' allegations that (i) with respect to the dispensing apparatus as disclosed in the '064 patent, Defendants have used only those features which the public is free to use, and (ii) how the words and acts on the part of the patentee and his legal representatives in prosecution of the application for the '064 patent have estopped, precluded or otherwise barred Plaintiff from asserting that any claim of the patent that would cover any product sold by Defendants.

Response to Interrogatory No. 8:

Ultramotive objects to aspects of Interrogatory No. 8 which call for conclusions as contrasted with determining factual contentions. In addition, Plaintiff is familiar with all of the facts relating to the prosecution of the patent application that resulted in the '064 patent in suit.

Most significant is the Preliminary Amendment filed October 9, 2002 which made at least the following amendments.

- a. Introduced the "tilt valve" into the main claim.
- b. Redefined the actuator.

Furthermore the Examiner indicated that the claims were being allowed because of the claim limitations that included: "a nozzle assembly sealingly engageable with the hinge assembly..."

To the extent relevant, Ultramotive reiterates its response to Interrogatory No. 3.

Interrogatory No. 9.

Describe with particularity any other factual basis for the Defendants' Affirmative Defenses and Counterclaims.

Response to Interrogatory No. 9:

Prior to December 30, 1999, Scheindel developed and Ultramotive offered for sale a lever operated dispensing pack essentially similar to the one it sells to Permatex. Ultramotive was diligent in continuing to market this product until sales commenced in 2002. The significant change in the product over the period December 1999 to 2002 was the introduction of the universal and Hug II valves.

Ultramotive's offer for sale of its lever operated dispensing pack at least as early as 1998 to Locktite operates as an on-sale bar relevant to the '064 patent.

Scheindel filed U.S. Patent Application Serial No. 09/085,440 on May 27, 1998. This application contained claims which describe the lever operated dispensing pack offered to Locktite and Permatex in the 1998-2002 period and the Powerbead product sold today. This application was abandoned. See the documents marked as UM 00063 - 00105.

As the facts develop during discovery, there will likely be other bases for the allegations referred to in Interrogatories 5 – 9.

Interrogatory No. 10.

If Ultramotive contends that any claim, claim limitation or portion of a claim limitation of the '064 patent requires claim construction, describe Ultramotive's construction of each said claim, claim limitation or portion of a claim limitation and the bases for such construction, including, but not limited to, the alleged support for Ultramotive's construction in the claims, specification or prosecution history of the '064 patent and any extrinsic evidence relied upon by Ultramotive to support its alleged claim construction.

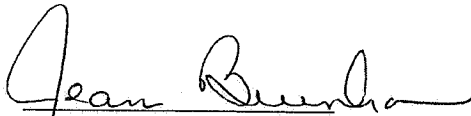
VERIFICATION

I, Christian T. Scheindel, state that I have been authorized by Ultramotive Corporation to execute these Responses to Interrogatories. I hereby state that I have read the foregoing **DEFENDANT ULTRAMOTIVE CORPORATION'S OBJECTIONS AND RESPONSES TO PLAINTIFF ROCEP LUSOL'S FIRST SET OF INTERROGATORIES NOS. 1-13 TO DEFENDANT ULTRAMOTIVE** ("the Responses") and that the statements in the Responses are true to the best of my present knowledge and belief, although the truth of all the answers may be based upon information from others, and are subject to correction and modification if any error should appear at a later date.

Dated: 6/30/06

By: 

Christian T. Scheindel


Witness